

FILED: January 29, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 24-2132  
(2:24-cv-00018-TSK)

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KRYSTLE PERRY, individually and on behalf of their minor child K.P.;  
ANTHONY PERRY, individually and on behalf of their minor child K.P.

Plaintiffs - Appellees

v.

STACY MARTENEY, in her offical capacity as the Virtual Learning Coordinator of the Upshur County Virtual School; CHRISTINE MILLER, in her official capacity as Superintendent of the Upshur County School District

Defendants - Appellants

and

THE BOARD OF EDUCATION OF THE COUNTY OF UPSHUR; DR. MATTHEW CHRISTIANSEN, in his official capacities as the State Health Officer and Commissioner of the Bureau of Public Health; DOUG CIPOLETTI, in his official capacity as Executive Director of the West Virginia Virtual School Academy; BRYAN HOYLMAN, in his offical capacity as Chair of the Board of Directors of Mountain State Learning Solutions, Inc. d/b/a West Virginia Virtual Academy

Defendants

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O R D E R

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Upon consideration of appellant's unopposed motion for abeyance, the court grants the motion and places this case in abeyance until W. Va. Code section 16-3-4 is amended or otherwise modified to include a religious exemption pursuant to the Governor's Executive Order.

The parties shall file a status report on February 28, 2025, and every thirty days thereafter and shall notify the court immediately when the code section has been modified.

For the Court

/s/ Nwamaka Anowi, Clerk